

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**LONGHORN HD LLC**

v.

**NETSCOUT SYSTEMS, INC.**

§  
§  
§  
§

**CIVIL ACTION NO. 2:20-CV-00349-JRG-RSP**

**MINUTES FOR JURY SELECTION/JURY TRIAL DAY NO. 1  
HELD BEFORE U. S. DISTRICT JUDGE RODNEY GILSTRAP  
April 18, 2022**

**OPEN: 09:29 AM**

**ADJOURN: 06:01 PM**

ATTORNEYS FOR PLAINTIFF: See attached

ATTORNEYS FOR DEFENDANT: See attached

LAW CLERKS: Jim Lomeo  
Cody Carter  
Nathan Fuller

COURT REPORTER: Shawn McRoberts, RMR, CRR

COURTROOM DEPUTY: Andrea Brunson, CP

| <b>TIME</b> | <b>MINUTES</b>   |
|-------------|--|
| 09:29 AM    | Court opened. Court's greeting, introduction and preliminary remarks to Jury Pool.   |
| 09:40 AM    | Court asked for announcements from the parties.  |
| 09:41 AM    | Court continued by providing case information and gave preliminary instructions to Jury Pool.  |
| 09:49 AM    | Prospective Jurors began introduction of themselves.   |
| 10:14 AM    | Court provided additional instructions to Jury Pool.   |
| 10:18 AM    | <i>Voir dire</i> on behalf of Plaintiff by Ms. Truelove.   |
| 10:44 AM    | <i>Voir dire</i> on behalf of Defendant by Ms. Smith.  |
| 11:13 AM    | Bench conference with counsel.   |
| 11:15 AM    | Bench conference completed.  |
| 11:15 AM    | Court instructions provided to Jury Pool. Court requested specific juror(s) to remain in courtroom while remainder of jurors recessed. |
| 11:17 AM    | Remainder of jurors recessed.  |
| 11:18 AM    | Counsel approached bench.  |
| 11:18 AM    | Strike conference began with specifically named juror(s).  |
| 11:32 AM    | Strike conference concluded. Attorneys excused to exercise strikes.  |
| 11:32 AM    | Recess.  |

| TIME     | MINUTES   |
|----------|---|
| 12:03 PM | Court reconvened.   |
| 12:04 PM | Instructions given by the Court. Jurors selected.   |
| 12:06 PM | Jurors sworn. Additional instructions given by the Court. Remainder of Jury Pool excused. |
| 12:10 PM | Additional instructions given by the Court.   |
| 12:29 PM | Jury recessed for lunch.  |
| 12:29 PM | Court recessed for lunch.   |
| 01:26 PM | Court reconvened.   |
| 01:27 PM | Jury returned to courtroom.   |
| 01:27 PM | Court gave preliminary instructions to the Jury. Jurors were provided notebooks.          |
| 02:09 PM | Plaintiff's opening statement by Mr. Fabricant.   |
| 02:37 PM | Defendant's opening statement by Mr. Buresh.  |
| 03:04 PM | Opening statements concluded.   |
| 03:04 PM | Defendant invoked the rule; excludes expert witnesses.                                    |
| 03:05 PM | Witness sworn. Direct examination of Mr. Charles Ferraro by Mr. Fabricant.                |
| 03:31 PM | Cross examination of Mr. Charles Ferraro by Mr. Buresh.                                   |
| 03:47 PM | Redirect examination of Mr. Charles Ferraro by Mr. Fabricant.                             |
| 03:49 PM | Recross examination of Mr. Charles Ferraro by Mr. Buresh.                                 |
| 03:50 PM | Witness excused.  |
| 03:50 PM | Jury recessed for break.  |
| 03:51 PM | Recess.   |
| 04:09 PM | Court reconvened.   |
| 04:09 PM | Objection re: MIL issue raised by Mr. Buresh.   |
| 04:11 PM | Response by Mr. Fabricant.  |
| 04:11 PM | Court made rulings thereon.   |
| 04:13 PM | Jury returned to courtroom.   |
| 04:13 PM | Witness sworn. Direct examination of Mr. Thomas Schweitzer by Ms. Truelove.               |
| 04:27 PM | Cross examination of Mr. Thomas Schweitzer by Ms. Smith                                   |
| 04:43 PM | Bench conference.   |
| 04:44 PM | Bench conference concluded.   |
| 04:44 PM | Cross examination of Mr. Thomas Schweitzer by Ms. Smith, continued.                       |
| 04:44 PM | Bench conference.   |
| 04:45 PM | Bench conference concluded.   |
| 04:45 PM | Cross examination of Mr. Thomas Schweitzer by Ms. Smith, continued.                       |
| 04:52 PM | Completion of testimony of Mr. Thomas Schweitzer.   |
| 04:53 PM | Ms. Park introduced the video deposition of Mr. Christopher Day.                          |
| 04:57 PM | Technical difficulties.   |
| 04:58 PM | Witness sworn. Direct examination of Mr. Brian Hajost by Mr. Lambrianakos.                |
| 05:38 PM | Cross examination of Mr. Brian Hajost by Ms. Marriott.                                    |
| 05:46 PM | Bench conference.   |
| 05:47 PM | Bench conference concluded.   |
| 05:47 PM | Cross examination of Mr. Brian Hajost by Ms. Marriott, continued.                         |
| 05:55 PM | Redirect examination of Mr. Brian Hajost by Mr. Lambrianakos.                             |
| 05:56 PM | Witness excused.  |
| 05:57 PM | Jury recessed for the day until 8:30 AM tomorrow.   |

| TIME     | MINUTES   |
|----------|---|
| 06:01 PM | Court reminded parties to continue with their meet and confer efforts re: disputes and to advise Court staff re: same. If the parties have unresolved issues, the Court will be available in chambers at 7:30 AM tomorrow morning to meet with counsel to address same. |
| 06:01 PM | Court adjourned.  |